

ACF Administration for Children and Families	U.S Department of Health and Human Services	
	1. Log No: CCDF-ACF-PI-2022-03	2. Issuance Date: 4/27/2022
	3. Originating Office: Office of Child Care (OCC)	
	4. Key Words: Child Care and Development Fund (CCDF) Fiscal Year 2023 Funding; Fiscal Year 2023-2025 CCDF Plan and Plan Preprint; Indian Tribes and Tribal Consortia	

**Child Care and Development Fund
Child Count and Tribal Early Learning Initiative (TELI) Program Instruction**

- To:** Federally Recognized Tribes, Tribal Consortia, and Tribal Lead Agencies administering child care programs under the Child Care and Development Fund (CCDF) program, as amended, and other interested parties.
- Purpose:** This Program Instruction (PI) informs Tribes, Tribal Organizations, and Tribal Lead Agencies (TLAs) of process to submit the triennial child count declaration form and demonstration letter, and for direct-funded Tribes, to submit their definition of *Indian Reservation or Service Area* and *Indian Child*. In order for eligible tribes to receive CCDF funds, tribes are required to submit every three years the information necessary to determine the number of children to be used in funding formulas (otherwise referred to as the “child count” (45 CFR 98.81 (b)(4)).
- This PI also provides instructions for submitting the Tribal Early Learning Initiative (TELI) Appendix along with the child count and service area information.
- References:** The CCDBG Act of 1990 (42 U.S.C. § 9858 et seq.), as amended by the CCDBG Act of 2014 (Pub. L. 113-186); Section 418 of the Social Security Act (42 U.S.C. § 618); and 45 CFR Parts 98 and 99.
- Deadline:** All Tribes who intend to receive CCDF funding, regardless of whether they currently receive CCDF funds, must submit the triennial child count by July 1, 2022. All tribes who intend to use CCDF funding to support TELI early childhood system building activities must submit the TELI Appendix by July 1, 2022. In addition, all tribes who are interested in participation in the TELI Collaborative must submit a statement of their interest in participation to ACF by July 1, 2022.

**Tribal Eligibility
for CCDF Funds:**

Pursuant to 45 CFR 98.80, a Tribe is eligible to apply for and receive CCDF funds if the tribe is federally recognized, and the tribal population includes at least 50 children under age 13.

Tribal Consortia:

A Tribe with fewer than 50 children under age 13 may participate in consortium of eligible tribes. In order to be eligible to receive CCDF funds on behalf of its member Tribes, a consortium must:

- Consist of member tribes that meet the eligibility requirements for the CCDF program or that would meet the eligibility requirements if the tribe had at least 50 children under age 13;
- Provide a demonstration for the consortium Lead Agency that shows that the member tribe has authorized the consortium Lead Agency to act on its behalf. Examples of demonstrations include a Tribal Resolution, a letter signed by the current Tribal Leader, or another official document from the Tribal/village government (98.80(c)(1-4); 98.81(b)(8)(i)); and
- Demonstrate that the Lead Agency has the managerial, technical, and administrative staff with the ability to administer funds, manage a CCDF program, and comply with the provisions of the CCDBG Act and regulations.

Consortium Membership Changes – It is the responsibility of a tribal consortium to notify ACF of any changes in its membership for CCDF funding purposes during the approved Plan period. For example, if a new tribe joins a tribal consortium to receive grant year (GY) 2023 funds, or if a current tribal consortium member elects not to receive GY 2023 funds through that tribal consortium, these changes must be conveyed to ACF in writing by the tribal consortium.

**Triennial Child
Count Declaration
Preparation and
Submission:**

ACF will calculate grant awards based on a self-certified Child Count Declaration for the number of children under age 13 (e.g., up through age 12) who reside on or near the reservation or service area.

As part of the child count submission, TLAs who are direct-funded must include their definitions of *Indian Child* and *Indian Reservation or Service Area* with this child count submission since those definitions are linked to the triennial child count. Direct-funded TLAs are those that receive funding from ACF rather than from the Department of the Interior, Bureau of Indian Affairs as part of a consolidated Pub. L. 102-477 Plan.

Note – The triennial child count form is Appendix 1 of the FY 2023-2025 Tribal Plan Preprint and the definitions are included in the

appendix. The deadline to submit the full Tribal CCDF Plan has been extended. A separate Program Instruction will be issued with additional instructions.

As a reminder when preparing your triennial tribal child counts:

- TLAs have flexibility in defining *Indian Child* and may include children from other tribes, provided that such tribes are federally recognized, consistent with the CCDBG Act's definition of Indian Tribe (98.81(b)(2)(i)).
- *Service area* must be "on or near the reservation" and therefore must be within a reasonably close geographic proximity to the delineated borders of a tribe's reservation (except Tribes in Alaska, California, and Oklahoma). Tribes that do not have reservations must establish service areas within reasonably close geographic proximity to the area where the tribe's population resides. ACF will not approve an entire state as a tribe's service area (98.81(b)(2)(ii)).
- The TLA may not count any children included in the child count of another CCDF TLA. To ensure unduplicated child counts, a TLA is required to confer with all other CCDF TLAs that have overlapping or neighboring service areas.
- TLAs are advised that ACF will not accept Child Count Declarations based on child counts that were conducted before July 1 of the previous year. The child count of children under 13 must be completed no later than June 30, 2022, and no earlier than July 1, 2021.

Special Instructions for Tribal Consortium

- **Comprehensive Tribal List**—A tribal consortium must provide a summary section listing the name of each participating tribe and its child count, as well as the total child count for each consortium.
- **Individual Child Counts Required**—A tribal consortium must submit an individual Child Count Declaration for each participating tribe. An individual authorized to act for the tribe must sign each Child Count Declaration.

"Special Rule for Indian Tribes in Alaska" – Only the Metlakatla Indian Community of the Annette Islands Reserve and the 12 Alaska Native Regional Nonprofit Corporations are eligible to receive Tribal Mandatory Funds.

Alaska Native Regional Nonprofit Corporations will have to provide a separate child count certification for Discretionary Funding purposes. This count will consist of its self-certified Tribal Mandatory Funding count, minus the child count number for any Alaska tribal grantee in its

Region that applies directly for Discretionary Funding. In instances where a Regional Corporation has separate child counts for Discretionary and Tribal Mandatory Funds, both counts may be reported on the Child Count Declaration.

Pub. L. 102-477: Tribes who have consolidated their CCDF program into an approved Plan under Indian Employment, Training, and Related Services Consolidation Act of 2017 (known as Pub. L. 102-477) are required to submit a Child Count every three years in order to receive CCDF funds. This submission is due by July 1, 2022.

Tribes who have an approved 477 Plan are not required to include their definition of Indian Child and Indian Reservation or Service area with this child count submission in Appendix 1-A. Those definitions are submitted as part of the 477 Plan submission.

Effective Period of the Triennial Child Count Data: The Triennial child count data shall be collected between July 1, 2021, through June 30, 2022. Child count data is due on July 1, 2022. During non-Plan submission years (e.g., FY 2023 or FY 2024) child count data may be changed only for the following reasons:

- New CCDF Tribal applicant.
- In the case of a Tribal Consortia, the consortia gains or loses one of its member organizations.

Tribal Early Learning Initiative (TELI): As outlined in CCDF-ACF-IM-2022-01, Use of Tribal CCDF Resources to Support Early Childhood Systems Building, tribes are able to use Tribal CCDF funds, including supplemental funds, to support early childhood system building activities and participate in a Tribal Early Learning Initiative (TELI) effort.

Along with the child count submission on July 1, 2022, TLAs (including TLAs that are operating their programs under an approved Pub. L. 102-477 plan) have the option to submit a TELI Appendix (Appendix 2 of the FY 2023-2025 Plan Preprint) which will serve as a notification to OCC that they plan to use CCDF funds to support early childhood system building and TELI activities in accordance with the CCDBG Act and CCDF regulations. The appendix offers interested Tribal CCDF lead agencies the opportunity to describe how they will use Tribal CCDF program funds, particularly quality funds, to support applicable child care services for TELI efforts in their communities. This initiative is voluntary, and Tribal CCDF lead agencies are not required to complete this section if they are not interested in pursuing TELI efforts. The TELI activities must be allowable under the use of

CCDF program funds, as laid out in the IM. All tribes that submit this appendix will be considered to be part of a “TELI Network”.

Should a tribe wish to participate in a “TELI Collaborative”, a more intensive peer learning community and technical assistance opportunity available to up to eight tribes and described in further detail in the IM, it will also have to submit a Statement of Interest indicating its desire to participate. ACF will publish a Solicitation for participation in the TELI Collaborative separately from this PI.

Submitting the Materials:

Tribal Lead Agencies will complete and submit their Child Count Declaration form and TELI Appendix to the Child Care Automated Reporting System (CARS) at <https://cars.acf.hhs.gov>. Many CCDF Tribal Lead Agencies already have access to CARS for submitting the ACF-700 annual report. CARS is a password-protected web-based system. Use of the paperless Internet data entry site streamlines submission processing and improves data quality. With electronic submission of the Child Count, tribes do NOT need to also send a paper copy of the report via mail or fax.

For access to CARS, contact the National Center on Child Care Data and Reporting (NCDR) toll-free at 1-877-249-9117.

Questions:

Direct all questions to your OCC Regional Program Office (see <https://www.acf.hhs.gov/occ/contact-information/office-child-care-regional-program-managers>).

/s/

Ruth Friedman
Director
Office of Child Care

Attachments:

Appendix 1 Child Count Declaration Form
Appendix 2 Tribal Early Learning Initiative